

## **MINUTES OF REGULAR MEETING HELD NOVEMBER 26, 2019**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, November 26, 2019 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 13, 2018. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Habgood, Arena, Dardia, Neylan, LoGrippo, Contract, Stokes, Mackey

**ABSENT:**

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilman Dardia followed by the flag salute.

### **PRESENTATIONS**

#### **Administrator's Update**

- Provided an update of road paving and stated that all roads included in the 2019 program were completed. Also stated that between the Town and Elizabethtown Gas, ninety-three (93) roads were paved in the calendar year. Explained that Park Drive, which was a carryover from the 2018 program, is expected to be paved in the Spring of 2020, once pathway improvements in Mindowaskin Park are complete;
- Discussed the results of the road assessment that were presented at the November 12, 2019 Town Council Meeting. Explained that the Town has directed the vendor to organize the results of the scoring system by larger sections of roads, which is expected to be complete in approximately two (2) weeks. The results would then be made available to the public;
- Announced that final improvements to Municipal Lot No. 7 were completed over the weekend; and
- Provided an update of leaf collection and stated that the first pass was completed, and the Department of Public Works is nearly halfway through the second pass. Explained that weather has allowed for collection to happen more quickly this year. Stated that two (2) complete passes are generally done each year, with a third pass for the collection of remnant leaves. Also stated that another Saturday is expected to be scheduled for the

collection of leaves in the school areas and explained that the Department of Public Works has found that the small leaf vacuum used in the Downtown has been helpful in clearing leaves around parked cars in school areas.

#### Mayor's Remarks

- Announced that the annual call for volunteers was opened for 2020 boards, commissions, and advisory councils, as well as for the upcoming Westfield 300 activities. Thanked residents who are willing to step up and lend their time and expertise for the benefit of the Town. Provided information for those interested in submitting an application;
- Provided an update of PSE&G's proposed 69kV project and stated that it has been placed on indefinite hold due to logistical challenges PSE&G is facing with both the preferred Conrail route and viable alternatives. Also stated that she would continue to collaborate with Cranford Mayor Giblin and Garwood Mayor Todisco to oppose the routing of this project through residential neighborhoods, and to ensure that any potential future route represents an optimal outcome for these communities. Extended her thanks to the many residents and business owners who demonstrated the power of community engagement. Also thanked Councilman Contract and Councilman Stokes for serving as point persons with PSE&G throughout this process and maintaining the lines of communication;
- Stated that she was very gratified to see Westfield substantially recognized several times during last week's New Jersey League of Municipalities Conference. Seven (7) members of the Police Department were recognized by the New Jersey State PBA at its annual valor awards for their actions at Tamaques School this past June, and congratulated Officers Jeffrey Johnson, Michael Pollock, Joseph Habeiche, Elizabeth Savnik, and Tiffany Kenny, along with Detectives Nicholas Bruno and Jason Merritt. In addition, she had the opportunity to administer the oath of Office to the Town's Regional Health Department Director, Megan Avallone, for an additional term as President of the NJ Association of County and City Health Officials. Feels Ms. Avallone does a tremendous job overseeing the Health Departments of eight (8) municipalities, and Westfield is fortunate to have her representing the Town at the State level. Lastly, announced that she was presented with the Innovation in Governance Award at the Mayor's Luncheon for the implementation of The Westfield Rink as a public/private partnership providing a broad community benefit at the expense of a private operator;
- Announced that the Town Council would be voting on a resolution to join the Union County Deer Management Program for the first time. Feels there seems to be substantial misinformation circulating online and provided some facts on the issue. Stated that this information is also available on the Town's website, and hard copies are available for distribution tonight. Explained that this is not an easy decision, and one that would not be considered if participation in the program presented any danger to residents. Union County has vast experience in implementing this program to ensure resident safety, and currently has twelve (12) other participating municipalities. Stated that while she has traditionally been opposed to previous deer management programs in Union County for many of the same reasons residents have expressed concern, she believes this year is different in terms of the deer population and its consequences. For context, experts recommend that for deer and residents to coexist safely, it is ideal to have twenty (20) per square mile, and an unofficial count shows that there are about one hundred and sixty (160) per mile. The Police Department has been called to homes to put down deer who

have been injured. In addition, there have been approximately one hundred (100) accidents in which deer have been struck by cars, including forty-nine (49) deer fatalities, since January 2018, which not only endangers residents, but kills deer often slowly and inhumanely. Referred to the story of the Town's DPW rescuing a fawn from a storm drain and explained that the reality is that such a situation utilizes significant Town resources while also stressing the deer. Most recently, the DPW was called to rescue a buck who was trapped in the batting cages at Gumbert Park. When they arrived, it was bleeding from the mouth, and after it was finally freed, it immediately died from the stress. Explained that if something is not done to manage the overpopulation, the problems would multiply. Also explained that she and the Town Council have heard the concerns raised from numerous residents about the public health and safety questions related to this issue, which is what led to the Public Works Committee's recommendation to the full Town Council to vote on this resolution tonight to leverage an established and County-funded program. Stated that this is a challenging issue that is not taken lightly, and the Town is seeking the right balance between ensuring the safety of residents while supporting "Mother Nature";

- Announced that the proposed final Master Plan Reexamination Report is now available on the Town's website in advance of the presentation and the vote for its adoption is scheduled for the December 2 Planning Board meeting. Thanked the residents, local businesses, and property owners who took the time to provide feedback during one of the community workshops and via the online survey. Explained that the scope of this undertaking was unprecedented, not only because of the substantial, ongoing emphasis on community input, but also because of parallel efforts of the Pedestrian and Bike Plan and the upcoming Parks and Recreation Strategic Plan. Together, these surveys and data provide an integrated and holistic view of Westfield's greatest opportunities to "map out" an even "brighter future". Stated that the final report is quite substantial and goes well beyond a traditional Master Plan Reexamination. Since the Town would like as many residents as possible to read the report, an abbreviated executive summary version would be created and posted in the next few days;
- Discussed the upcoming holiday season and stated that the next few weeks are some of the most important all year for retail and dining businesses. Also stated that she has pledged to do at least seventy-five (75%) percent of her holiday shopping locally and hopes residents will join her in this commitment and support Downtown Westfield and shop small. Announced that parking would be free on Black Friday and Small Business Saturday, and then again from December 14 through January 1. In addition, the Downtown Westfield Corporation (DWC) has planned several holiday festivities that begin this week, including the Second Annual Gingerbread Contest and the new Westfield Elfie Selfie Contest. All of the details are on DWC's website, along with a comprehensive list of Westfield NJ - Downtown deals for this weekend. In addition, stated that she hopes to see everyone on Sunday at the Westfield Winter Wonderland and Tree Lighting, which includes ugly holiday sweaters, snow globe selfies, the sale of Westfield 300 merchandise, the Westfield Community Band, and Santa and Mrs. Claus. The festivities begin downtown at 3:30 PM with the tree lighting at 5:30 PM. There would also be public skating sessions at the Westfield Rink at 2:30 PM and 6:30 PM; and
- Wished everyone a happy Thanksgiving and expressed her gratitude for the wonderful residents of this community.

**APPOINTMENTS****ADVERTISED HEARINGS**

1. Community Development Block Grant – Adult Special Needs Program Staff, Westfield Y - \$26,000.00

No discussion. Mayor declared the hearing closed.

2. Community Development Block Grant – Emergency Communication/Video System, Westfield Y - \$6,000.00

No discussion. Mayor declared the hearing closed.

3. Community Development Block Grant – Senior Citizen Transportation Program, Town of Westfield - \$15,000.00

The Town Administrator discussed the Community Development Block Grant Program and the application process. Also discussed the Town's application for funding for the Senior Citizen Transportation Program and explained that this is the first time in several years that the Town has submitted an application for funding through this program. The Town Administrator also thanked the Town's Assistant Recreation Director for her efforts with the application.

Hearing no further comments, the Mayor declared the hearing closed.

4. Community Development Block Grant – Refurbish Gym Facility and Adjacent Parking Lot, Westfield Community Center - \$35,000.00

No discussion. Mayor declared the hearing closed.

**PENDING BUSINESS****BIDS****MINUTES**

On a motion by Councilman LoGrippe and seconded by Councilwoman Habgood, Council approved the Minutes of the Town Council Conference Session, Executive Session and Regular Meeting held November 12, 2019 with Council Members Neylan & Stokes abstaining.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Karen Langer, 12 Jacobs Lane, Scotch Plains, and property owner on St. Paul Street, Westfield.

Discussed the resolution concerning the deer management program and explained that Jacobs Lane borders the Westfield Conservation Center where the culling of deer is proposed. Also explained that the area is not as wide as it appears because of the burm that exists and if the Town decides to move forward with the program, suggested that it occur at the Conservation Center because the distance is farther from residences. Agrees that there is a problem with the deer population and while she has not seen herds of deer in her neighborhood, she has seen small groups of deer. Feels cutting the grass low along Tamaques Park and the Conservation Center would help to keep deer from the area. Also discussed deer reflectors that are available which are designed to keep deer from approaching the road. Asked the Town Council to ensure that all residents and impacted municipalities are contacted if the Town decides to move forward with the program.

Delia Collins, 72 Georgia Street, Clark, expressed concern with the proposed deer management program. Explained that Georgia Street is located in the vicinity of Delaware Street, Maryland Avenue and Grandview Avenue, where deer removal activity is proposed. Also discussed the streets in her neighborhood where deer roam and ultimately end up at the Conservation Center. Referred to questions that were asked during the Town Council's Conference Meeting and asked how spotlight counts are conducted if deer are constantly roaming. Also discussed deer hunts previously conducted by Union County and feels they have not helped reduce the deer population. Explained that her neighborhood is very densely populated with families and children and domesticated animals. Expressed concern that deer run when hit, and that they would run to private property and/or into various roads in the area. In addition, referred to comments that other municipalities have participated in this program and stated that the only deer culling she was aware of were conducted by Union County in Union County Parks, and on private property at the Baltusrol Golf Course in Springfield. Stated that she is unaware of any other municipality making this type of request. Also asked what would happen if deer were not instantly killed and who would be responsible for retrieving them. In addition, asked who would ensure that the razor portion of the arrows that are discharged are removed from properties. Lastly, stated that it is her understanding that the deer hunt conducted by Union County includes hunters, not conservationists, and asked that the Town conduct further investigation of this program before deciding to move forward.

Kristen Trapani, 237 Delaware Street, stated that she agrees that Westfield has a deer issue and while she feels it needs to be addressed, she has severe reservations with the program the Town is considering. Discussed her experience with hunting and expressed concern with the limited amount of space of the areas proposed for the hunt. Also stated that deer typically do not drop when hit and feels if this were to occur, wounded deer would run to her backyard. Asked how this would be addressed. Also asked if hunters would be allowed to leave the area designated for the hunt to retrieve deer that run, and what would hunters be permitted to do in terms of "finishing" the animal. Feels the Town has not considered these possibilities and should have a plan before moving forward. Also feels this plan must be clearly understood by those who participate in the program. In addition, feels Union County should provide comparables as to the size of the properties where this type of program has been conducted in the past. Expressed concern that the size of the properties proposed for the program are too small and would result in hunters needing to shoot out into residential areas. Also discussed the goal of the hunt and whether the intent is to kill the greatest number of deer possible. In addition, questioned whether

a volunteer program is the best option. Lastly, feels the properties proposed for the hunt are high traffic areas for pedestrians during the times that are best for targeting deer, and asked how residents would be made aware of the deer hunt so that they could avoid those areas during the times the hunt is being conducted. Stated that while she agrees that there is a deer problem that needs to be addressed, she is not confident that the right questions have been asked to determine if this program is the best solution.

Darielle Walsh, 1715 Grandview Avenue, discussed her neighborhood and the wooded area adjacent to her property. Stated that the deer population has exploded over the past five (5) to six (6) years and explained that deer follow a track and use the same trail, which is why hunters are successful. For this reason, the deer have made a trail through her property and into the neighborhood. Discussed photographs she has taken which document the deer problem in her neighborhood and stated that one photograph shows a herd of at least thirty-six (36) deer in her front yard. Also stated that she recorded a video of bucks fighting in her front yard. Believes the main concern is the safety of drivers and bicyclists, but ticks and Lyme Disease are also a concern. Explained that deer are becoming less fearful of humans and are more aggressive, especially when they feel threatened. Urged the Town Council to make a decision concerning this issue because the Town has an opportunity to be proactive, and while this program might not completely remove deer, feels it would help to manage the population. Also feels this program has been successful in several nearby communities with populations and residential neighborhoods similar to Westfield. Stated that while she understands the concerns that have been expressed by residents opposed to the program, feels this issue must be addressed before someone is seriously injured or there is a loss of life. Lastly, provided the Town Council with copies of the photos she had taken of the deer in her neighborhood and provided a description of each photo. Stated that she contacted Union County for assistance in addressing this issue and was told that they are familiar with this tract of land and if no action is taken, the deer population in this particular area would double in eighteen (18) months.

Americo Spiridigliozzi, 720 Sherman Street, stated that he is a hunter and was involved in the first deer hunt in 1981. Explained that hunters must become qualified and that crossbows are the most humane way to harvest deer. Also stated that he has participated in the Union County hunt and hunters are only permitted to shoot up to a distance of twenty (20) yards. Hunters are also not permitted to walk the area with their weapon and can only shoot when they are positioned in a tree to ensure that the shots fired would be downward toward the ground. Also discussed the number of deer a hunter is permitted to shoot and the regulations that must be followed as per New Jersey's regulations. Stated that while he understands that residents might not want to see animals harmed, harvesting is needed. Also discussed an injured deer that he has fed and explained that it is not afraid to approach humans.

Mayor Brindle asked if Mr. Spiridigliozzi could provide additional information as to how these types of hunts are conducted.

Mr. Spiridigliozzi explained that since hunters are only permitted to shoot up to a distance of twenty (20) yards and because there are scopes on crossbows, both allow an opportunity for a clear shot. Also explained that deer are baited and attracted to a specific area in order to control the hunt. Hunters are also required to retrieve arrows that have been fired.

Councilman Contract asked how often a deer would run off after being hit.

Mr. Spiridigliozzi stated that since the shot must be within twenty (20) yards, a deer might run twenty (20) to thirty (30) yards after being hit. Also explained that deer typically do not die instantly when hit.

Lori Toth, 246 Delaware Street, stated that she has been a Westfield resident since 1991 but has only begun to see deer in the past five (5) to six (6) years. Feels Lyme disease is a concern that should be considered. Agrees that the Town should attempt to obtain as many answers as possible, and feels that Union County could provide sufficient answers to those with questions. Believes something needs to be done to address the deer population and expressed her support for the deer management program.

Russell Chiappetta, 1014 Prospect Street, stated that he attended the Town Council's Conference Meeting because he had concerns with the proposed deer management program, and those concerns have now been exacerbated after listening to the discussion. Feels the deer population needs to be addressed but the proposed program should be further vetted prior to moving forward. Feels there are many unanswered questions, such as the percentage of deer to be culled, and how animals injured in the hunt, but not killed, would be addressed. Feels there is not an excessive deer problem in the Brightwood Park area and believes the absence of street lighting in the area is more of an issue than the deer. Also feels there is some benefit to the increase in the deer population because drivers are slowing down in areas with high deer population. Urged the Town Council to pursue unanswered questions before moving forward.

Ross Katz, 4 Pine Court, discussed the proposed deer management program and feels there are still many unanswered questions concerning the hunt, specifically how often a deer runs after it is hit and how that would be addressed. Stated that he purposely drives below the speed limit on Lamberts Mill Road because of the deer that are along the road. Expressed concern that a wounded deer that is shocked and scared would run into a public area or busy road. Also questioned whether this type of hunt is the most humane method for culling deer and if it would have any real impact on the deer population issue.

Terry O'Connor, Highland Avenue, stated that he has participated in Union County deer reduction programs for the past five (5) to six (6) years, including shotgun programs and archery programs. Explained that archery programs are fairly new and allow for an extended season under New Jersey's hunting regulations, thereby providing an opportunity to cull more deer. Stated that a couple of hundred deer have been harvested in the past through the hunts that were conducted in Union County Parks, which has stabilized the deer population, but if nothing is done, the deer population would continue to grow by the hundreds each year. Discussed archery hunts versus shotgun hunts and explained that while they impact deer differently, a well-placed shot using either method would kill deer with high certainty. Also explained that, regardless of the hunting method, deer rarely drop when shot and will run twenty (20) to thirty (30) yards after being hit. Stated that he has tracked every deer to completion and has never lost an arrow. In addition, explained that this is an evolving program and the restrictions for hunters have gotten significantly stricter within the last five (5) years, requiring that hunters qualify annually with

both a shotgun and a crossbow and must demonstrate that he/she is an expert marksman. Explained that in his experience with deer hunts, no deer has ever left the area where the hunt was conducted after being hit, but it is possible, especially with an area that is limited to eight (8) acres. Feels the Town might want to consider requesting permission from residents to allow hunters on private properties to retrieve deer.

Councilman Contract asked Mr. O'Connor, based upon his experience, to discuss the process of retrieving a wounded deer that has run, and if another method is necessary to finish the deer once it stops running.

Mr. O'Connor explained that deer run because they do not realize what has happened when they are hit and are "spooked". They do not run more than twenty (20) to forty (40) yards because of the loss of blood and generally lie down after running that distance and die at that spot.

Councilman LoGrippe asked Mr. O'Connor if he has ever hunted in an area as small as eight (8) acres.

Mr. O'Connor stated that he has not hunted in an area that small and is hesitant to advise the Town Council on how to address that issue but mentioned that a shotgun program might provide a higher chance of deer dropping when hit. Feels the Brightwood Park area is a larger property and should not be an issue. Also discussed how hunters position themselves based upon where they predict a deer will run after being hit.

Councilman LoGrippe asked Mr. O'Connor if he is familiar with spotlight counts.

Mr. O'Connor stated that he did not participate and is only familiar with the results of the counts.

Councilwoman Habgood asked if Mr. O'Connor could provide any recommendations to Union County concerning this program, based upon his experience.

Mr. O'Connor discussed the balance between hunting rules that are designed to conserve deer populations and deer reduction programs that have the opposite goal. Since it is his understanding that this is a pilot program, feels the Town needs to see the results and decide whether or not to iterate the program.

Councilman LoGrippe asked Mr. O'Connor how often deer roam and move.

Mr. O'Connor feels they can wander from hundreds to thousands of yards during the day.

Councilman LoGrippe feels if the hunt is concentrated in one (1) area, it might not be effective.

Mr. O'Connor explained that deer understand when hunting occurs in one (1) area so harvesting is usually successful in the early stages but can become difficult after that.

Jim Block, Summit Avenue, stated that he is opposed to the hunt and with deer management being conducted in a Town of Westfield's size and population. Expressed concern with transparency and that the matter was only made known to the public in the last two (2) days. Feels the lack of knowledge by councilmembers as to what they are voting on seems obvious. Stated that he has been a resident since 1969 and while he sees deer, he has not seen more than a few at a time. Also stated that there were car collisions involving deer when he first moved to this area. Informed the Town Council that he looked at Union County's website and it already includes dates for which the hunt would be conducted in Westfield and expressed concern that a decision concerning this matter has already been made. Does not feel the complaints concerning deforesting by deer are valid and suggested that deer repellent products be used. Also stated that he tends to drive slower on certain roads where deer are prevalent, such as Lamberts Mill Road. While he feels deer can be a hazard to drivers, he is surprised that the Town would consider this type of program. Lastly, Mr. Block stated that he has known hunters, and when he opposed the Union County deer hunt in the 1980's, the majority of the hunters he spoke to were not supportive of hunting in local towns. Feels the Town Council does not have sufficient information to vote on this matter and suggested they take a year to study the issue and obtain the information that is necessary.

### **BILLS AND CLAIMS**

On motion by Councilwoman Habgood and seconded by Councilman LoGrippo, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$520,132.07 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

#### **Finance Policy Committee**

The following resolutions, introduced by Councilwoman Habgood, and seconded by Councilman Stokes were unanimously adopted.

#### **Resolution No. 272**

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Michael Jordre	South Side RR Stn/Lot 3	#19030422	\$116.00
16 Pine Street			
Chatam, NJ 07928			

#### **Resolution No. 273**

WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

<b>App #</b>	<b>Name</b>	<b>Address</b>	<b>G/L</b>	<b>Refund Balance</b>
BOA 17-02	Westfield Crossing, LLC.	314 Myrtle & 321 Grove St	9-05-560-599	\$904.23
<b>Return to:</b>	<b>Westfield Crossing, LLC.</b>	<b>P.O. Box 4449</b>	<b>Warren</b>	<b>07059</b>
BOA 18-35	Richard Flynn	763 Fairacres Avenue	9-05-560-698	\$250.00
<b>Return to:</b>	<b>Richard Flynn</b>	<b>763 Fairacres Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 19-47	Erik & Siobhan Graf	625 Maple Street	9-05-560-779	\$250.00
<b>Return to:</b>	<b>Erik &amp; Siobhan Graf</b>	<b>625 Maple Street</b>	<b>Westfield NJ</b>	<b>07090</b>

#### **Resolution No. 274**

BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign the collective bargaining agreement between the Town of Westfield and the Communications Workers of America Local #1040 for the years 2019-2022.

#### **Resolution No. 275**

BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign the collective bargaining agreement between the Town of Westfield and the PBA Local #90 (A) Superior Officers Association for the years 2019-2022.

#### **General Ordinance No. 2153:**

Regarding the following ordinance, Councilwoman Habgood made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2153 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 2, “ADMINISTRATION”, ARTICLE II, TOWN OFFICERS AND EMPLOYEES, DIVISION 3, PERSONNEL POSITIONS AND SALARY SCHEDULE”, SEC. 2-12.28, “SCHEDULE” (CWA).” be approved on first reading.

The motion was seconded by Councilman Contract

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Arena		
Dardia		
Neylan		
LoGrippto		
Contract		
Stokes		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2153 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 10th day of December 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**General Ordinance No. 2154:**

Regarding the following ordinance, Councilwoman Habgood made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2154 – AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 2132 ENTITLED, "AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 2, 'ADMINISTRATION', ARTICLE II, Town officers and employees, division 3, Personnel positions and salary schedule", SEC 2-12.28, "Schedule" be approved on first reading.

The motion was seconded by Councilman LoGrippto

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Arena		
Dardia		
Neylan		
LoGrippto		
Contract		
Stokes		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2154 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 10th day of December 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**General Ordinance No. 2155:**

Regarding the following ordinance, Councilwoman Habgood made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2155 – AN ORDINANCE ENTITLED, "AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE POLICE AND FIRE DEPARTMENTS IN THE TOWN OF WESTFIELD AND VARIOUS AMENDMENTS THERETO" be approved on first reading.

The motion was seconded by Councilman Arena

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Arena		
Dardia		
Neylan		
LoGrippe		
Contract		
Stokes		
Mackey		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2155 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 10th day of December 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**Public Safety, Transportation and Parking Committee**

**Code Review & Town Property Committee**

**Public Works Committee**

The following resolution, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilman Stokes, was unanimously adopted.

**Resolution No. 276**

WHEREAS, a need exists for the purchase of public works related equipment as provided for in Public Works Account C-07-19-221-6C1, and

WHEREAS, the contract to purchase this equipment is to be awarded to an authorized vendor through a Cooperative Purchasing Agreement, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, New Jersey State Approved Co-Op #65MCESCCPS, Contract ESCNJ 18/19-25, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$9,624.99 charged to Special Ordinance 2216, account C-07-19-221-6C1, under Purchase Order #19-0446.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendor:

Power Place, Inc.

319 Route 46 West

Rockaway, NJ 07866

Billy Goat Z3000 Hurricane Blower

\$ 9,624.99

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

**Resolution No. 277-Town Council Comments:**

Councilman Contract discussed Resolution No. 277, which involves the implementation of the Union County Deer Management Program on certain properties in Westfield. Feels all are in agreement that there is an issue with the deer population. Explained that this matter was brought to the Public Works Committee because of complaints he received from some of the residents that spoke this evening. Feels the important issue that was not discussed tonight was the fact that there were one hundred (100) deer-related car accidents since January of 2018, half of which resulted in deer fatalities. Feels a problem exists and discussed the fact that serious injuries could result from these car accidents. Also expressed concern with the possibility of one of these accidents leading to a fatality. Feels, for this reason, the Town needs to be proactive and address this issue. Explained that when the Public Works Committee met with Union County to discuss

the deer management program, a compelling explanation was provided, but more information is needed as a result of the questions that were raised this evening. Feels, if appropriate, the Town Council should delay the vote on Resolution No. 277 until its next meeting to allow time to obtain more information. Also stated that while he did “walk” the property proposed for the hunt in the Grandview Avenue area, with no hunting experience or expertise in these types of programs, he is unable to determine whether that tract of land would be suitable for a hunt. Explained that these questions were not considered when the Public Works Committee met with Union County. Assured residents that safety is the primary reason for the Town Council’s consideration of this program, and it would not be considered if it meant putting any resident at risk.

The Town Administrator stated that, as per Union County, the deadline to request participation in the program is December 1, 2019 and he cannot confirm that Union County would reserve Westfield’s place in the program if authorization is delayed until after the next Town Council meeting of December 10. Explained that Union County needs advance notice because sufficient time is needed to secure and assign hunters to locations, and to scout the properties that are included in the program. Explained that while there were questions raised this evening that were not considered when the Public Works Committee met with Union County, feels Union County provided a professional presentation of the program, which included their experience as to how this program was conducted in other towns. Union County did not indicate that there was any issue that resulted from the program.

Mayor Brindle asked if Town Council’s approval could be contingent upon satisfactory answers from Union County. Feels there were legitimate questions raised tonight but also feels Union County has been conducting this program for many years without incident, to her knowledge.

The Town Administrator believes that Resolution No. 277 reserves the Town’s “spot” in the program but if the Town Council was not satisfied with the answers provided by Union County, he believes the Town could cancel its participation in the program.

Councilman LoGrippe asked why Westfield is listed on Union County’s website as a participant in the program if the Town Council has not yet provided its approval.

Councilman Contract assured residents that no decision has been made and feels it could be an oversight that Westfield was included on Union County’s website.

The Town Administrator stated that he cannot confirm why Westfield was included on Union County’s website but suggested that it could be because Union County is anticipating the Town’s participation and needed to include the Town for scheduling purposes. Also stated that he would need to confirm with Union County that the Town could cancel its participation if it is not satisfied with the answers provided to the questions raised this evening.

Mayor Brindle feels Westfield cannot be the only community that has expressed these concerns and feels the question that needs to be asked is whether this program has been conducted on property as small as eight (8) acres and if so, what was experienced.

The Town Administrator stated that Union County did inform him that it is not uncommon for municipalities to join the program and then cancel its participation due to questions, public concerns and the like.

Councilman LoGrippe suggested that the Union County representative that is in attendance this evening provide clarification of the program.

The Town Administrator explained that the Union County representative is in attendance to observe and listen to resident concerns. Feels it would not be appropriate for him to speak because he did not attend the meeting for that purpose.

Councilman Stokes referred to the Public Works Committee meeting at which Union County presented the deer management program, and while he was supportive of the program at that time, he is not comfortable voting on Resolution No. 277 this evening because of the questions that have been raised.

The Town Administrator mentioned that Resolution No. 277 also authorizes the Mayor's execution of a shared services agreement, which could be held until all questions are satisfactorily answered, if necessary.

Councilwoman Habgood referred to Councilman Stokes' comment and asked if he would be willing to vote on Resolution No. 277 tonight, if approval was contingent upon receiving satisfactory answers from Union County.

Councilman Stokes stated that he does not feel comfortable voting before he has all information that enables him to make an educated decision.

Councilwoman Habgood feels a vote for contingent approval needs to be weighed against the fact that the program could be delayed another year and the deer population could nearly double.

Councilman LoGrippe suggested the Town Council move forward with a vote tonight.

Councilman Contract stated that he is comfortable voting this evening, provided that the approval is contingent upon receiving satisfactory answers from Union County to the questions raised this evening. Also expressed concern with the possibility that the deer population could nearly double in the next year if no action is taken, which could mean that the number of deer-related car accidents could double. Stated that he understands that there is no perfect solution, but this program has worked in other municipalities and he feels it is worth trying. Explained that other suggested solutions, such as trapping and relocating the deer or stopping their reproduction

are not viable because trapping and relocating deer is a violation of New Jersey's regulations, and other states have attempted to stop deer reproduction, but those efforts were unsuccessful, and they are now returning to deer management programs similar to Union County's program.

Councilwoman Mackey referred to Councilman Contract's comments and stated that she spoke to the owner of a company that was hired by the State of New York to control the deer population using experimental birth control methods but the program was unsuccessful. Invited residents to provide the Town with any suggestions they might have with respect to alternative methods. Stated that she would be comfortable approving the Town's participation in this program, provided that it is contingent upon receiving satisfactory answers to the questions raised. Also thanked those residents that spoke this evening for their participation.

Councilman Dardia also thanked residents for their input. Feels the Town Council has heard from "both sides" and the pros and cons of the proposed program are understood. Discussed a document he obtained prior to the meeting entitled, "Community-Based Deer Management Manual for Municipalities" that is available through the New Jersey Department of Environmental Protection Division of Fish and Wildlife's website. Feels it is a very informative document and includes information concerning deer management methods. Stated that the document indicates that the recommended method for deer management involves the culling of herds through bowhunting. Also stated that he is prepared to vote on this matter this evening.

Councilman LoGrippo feels this matter was not properly vetted and because a significant portion of one of the properties to be included in the program borders Cranford and Garwood, feels the Mayors of those communities should be contacted. Also stated that he received several complaints from residents of the Manor Park pool area, but that area was not included in the program. Stated that he needs a better understanding as to how the spotlight counts were conducted and how the specific properties were chosen. Feels it was not properly conveyed to the Town Council and there was no information included in meeting packets. In addition, the FAQ sheet that was created by Union County was not available until yesterday and it is his opinion that the Town Council did not have enough time to evaluate the program.

Mayor Brindle requested a motion to approve implementation of the Union County Deer Management Program contingent upon the Town's ability to reject the program if the concerns expressed are not adequately addressed.

Councilman LoGrippo requested clarification as to the process and whether a second vote of the Town Council would be needed to reject the program, if satisfactory information is not provided by Union County.

The Town Administrator provided some additional information and stated that the reason Westfield was included on Union County's website as a participant in the program was because all potential participants needed to be included for planning purposes. Union County also

confirmed that the Town Council could delay its vote on Resolution No. 277 until December 10 with no impact to the Town's participation in the program for the upcoming hunt.

Councilman Dardia requested clarification as to the information that would be needed for those with concerns to support the program.

Councilman Stokes discussed questions involving the size of some of the properties to be included in the program and the fact that deer apparently run after being hit. No clear answer has been provided as to how far they run after being hit or how it would be addressed if a wounded deer needs to be finished or retrieved from a resident's property. In addition, while there might be notification and signage advising residents of the hunt, Westfield is so densely populated, he feels a situation could be created that would not be ideal.

Councilman Dardia feels the concerns are theoretical at this point and the facts indicate that there have been a significant number of deer-related motor vehicle accidents, which would only increase if no action is taken.

Councilman Stokes stated that he agrees there is a deer problem but is concerned with the safety of the program.

Mayor Brindle suggested that the Town Council move forward with a vote tonight, with the ability to reaffirm the decision on December 10.

Councilman Contract feels a vote should be delayed and another meeting with Union County should be scheduled to obtain additional information.

Councilman Stokes feels the entire Town Council should have the opportunity to meet with Union County.

Councilwoman Neylan referred to the research that was done by certain Town Council members with respect to this issue and is concerned with the lack of transparency related to the matter. Stated that she would not support a program that would allow bows and arrows in a very densely populated town. Feels it is embarrassing that the governing body seems to be learning more from the audience and believes the matter was mishandled.

Mayor Brindle discussed the committee process and stated that she respects the members of the Public Works Committee that worked on this issue.

Councilman Contract discussed the fact that matters are vetted through committee and then brought to the full Town Council for a vote. Stated that while the FAQ was not available in meeting packets, a copy of the resolution was provided to the Town Council.

Councilwoman Mackey stated that the research that she conducted predated this matter and was a result of complaints she received from the residents of her ward. In addition, she contacted the Town Administrator at least one (1) year ago concerning the prospect of deer management through fertility control.

Councilwoman Neylan feels if something of this magnitude is to be voted on, councilmembers should be provided with more than twenty-four (24) hours to prepare.

Councilman Contract feels the committee process is appropriate because it is vetted before being brought to the Town Council for a vote. In addition, the public has an opportunity to comment. Feels it is prudent to delay the vote until the next meeting because he believes good information was provided tonight. Also feels there has been no lack of transparency because the resolution was included in meeting packets.

Councilwoman Neylan stated that she was prepared to vote tonight but is concerned because she feels basic questions were asked tonight that could not be answered.

Councilman Arena discussed the issue of transparency and feels while it is important that there be transparency between councilmembers, this issue was also raised by residents and it is important to be transparent with residents.

The Town Attorney explained that there are various options available to the Town Council as to how it moves forward with this issue but suggested that the vote be carried until December 10 to allow additional time to obtain some answers to the questions that were raised. With that being said, feels not all questions can be answered, such as the distance a deer might run after being hit.

Councilwoman Neylan feels the committee process should not involve the public providing the Town Council with information.

Mayor Brindle suggested that the vote be carried until December 10. In the meantime, councilmembers should provide questions that they would like addressed. While she agrees with the Town Attorney that some question might not have answers, feels input and examples from other municipalities that have experienced these issues could be obtained.

Councilman LoGrippo stated that he is prepared to vote tonight and requested clarification of the process if there are councilmembers that do not want to delay.

The Town Attorney discussed the process and explained that there could be a motion to vote on this item, or there could be a motion to remove it from the agenda.

Councilman LoGrippo stated that he is prepared to vote tonight because he feels Union County has not conducted deer management activity on property as small as eight (8) acres.

Councilwoman Habgood referred to Councilman LoGrippe's statement and feels it is not clear whether Union County has conducted a hunt on property of that size and is a question that needs to be answered. Feels if the vote can be delayed with no impact to the Town's participation in the program, then it should be delayed so that the Town can obtain as much information as possible, allowing councilmembers to make a more informed decision.

Councilman LoGrippe asked how the Town would obtain answers to these questions.

Councilman Contract feels another meeting with Union County would be held with a report to the Town Council for the December 10 meeting.

Councilman Arena stated that he agrees with Councilwoman Habgood and also feels obtaining more information from Westfield residents could be useful.

Councilman Stokes asked if Union County could attend the Town Council's Conference Meeting on December 10.

The Town Administrator stated that he cannot speak for Union County but feels their attendance would not be necessary. Believes answers could be obtained and provided to all councilmembers prior to the next meeting. Also agreed with the Town Attorney that not all questions can be answered. Explained that the reason it was brought to the Town Council for approval was because residents contacted Councilmembers LoGrippe and Contract. Discussed the fact that Union County presented the program to the Public Works Committee, at which many appropriate questions were asked and answered. The three (3) Public Works Committee members that were present at that meeting were supportive of the program based upon the information that was provided and, as such, recommended that it be brought to the Town Council for a vote. Reiterated his previous statement that not all questions can be answered and reminded all that there would be no further opportunity for delay if the Town Council does not vote to participate in the program during the December 10 meeting.

The following resolution, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilwoman Habgood, was **REMOVED** from the agenda and will be further considered for passage on December 10, 2019.

**Resolution No. 277**

WHEREAS, the overpopulation of white-tailed deer in Brightwood Park, the wooded area of the conservation center, and the wooded area in the vicinity of Delaware Street, Maryland Avenue and Grandview Avenue has resulted in over browsing of native vegetation in this area, damage to greens and ornamental vegetation and created safety hazards for the public, and

WHEREAS, the Town of Westfield feels it is in the best interests of the Town to evoke services of individuals who are licensed crossbow hunters to manage the deer population in the

aforementioned areas during the Winter January-February 2020 Deer Management Control Program administered by the County of Union;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby requests the Union County Board of Chosen Freeholders authorize the County of Union staff to conduct deer management activity on the aforementioned town properties, to remove white-tailed deer from said property, in the manner prescribed by the Fish and Game Code of the State of New Jersey, during the Winter Season of 2020.

BE IT FURTHER RESOLVED that the Town of Westfield authorizes the execution of a shared services agreement with the County of Union for the services; and

BE IT FURTHER RESOLVED that the Town of Westfield authorizes the Director of Public Works to coordinate with the County of Union through the County Department of Parks and Community Renewal, to provide adequate oversight and coordination in the conduct of the deer removal activity, to maximize the success of their efforts while ensuring the safety of Brightwood Park, the wooded area of the conservation center, and the wooded area on the vicinity of Delaware Street, Maryland Avenue and Grandview Avenue; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Board of Chosen Freeholder of the County of Union, the County Manager, and the New Jersey Division of Fish and Wildlife.

Reports of Department Heads

**ADJOURNMENT**

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilman LoGrippto at 9:46 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk